

Minutes of the Smithville Town Board
Public Hearings
October 19, 2020

OPENING of Town Board meeting by Supervisor Cammarata 6:30PM

ROLL CALL/PLEDGE:

Councilman Mike Evans
Councilwoman Pam Holcomb
Councilman Bob Whitmore
Councilman Karl Ludwig

ALSO:

Alison Owens, Town Clerk
Vince Witkowski, Hwy Sup't.
Jeff Lowe, Assessor
Angelo Cioffi, BAR
Nancy Phetteplace, Barbara Tallet, John Lance: residents
Melissa Cooper, Jim Strenkert: Greene EMS
Ken Whitmore, Genegantslet Fire Chief
Marie Kehl, resident

CHANGES: Moving NB5 to Public Comment

The 1st 40 minutes of the meeting were not available on Zoom.

PUBLIC HEARING

SEASONAL HIGHWAYS

6:35PM

Town Clerk Owens read the legal notice as published in the Evening Sun and the Public Hearing was declared OPEN.

Fire Chief Ken Whitmore suggested the addition of Tarbell Rd from the plow turnaround to the truck trail. There were no other comments. Supervisor Cammarata declared the Public Hearing closed.

SNOWMOBILE ROADS

6:40PM

Supervisor Cammarata read the legal notice as published in the Evening Sun and the Public Hearing was declared OPEN

There were no comments, Supervisor Cammarata declared the Public Hearing closed.

ACTION ON PUBLIC HEARING: Resolution approved with addition of Tarbell Rd.

RESOLUTION # 27 (2020): APPROVE SNOWMOBILE/SEASONAL ROADS WITH 1 CHANGE

On a motion by Councilman Ludwig, 2ⁿ by Councilman Evans, the following Resolution was ADOPTED.

AYES: 5 Cammarata, Ludwig, Holcomb, Evans, Whitmore

NAYES: 0

RESOLVED to approve the list of Seasonal Roads with the addition of Tarbell Rd from the plow turnaround to the truck trail, and the Snowmobile Roads as published.

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PUBLIC COMMENTS

6:45PM

NANCY PHETTEPLACE: asked the Town Board if they would consider agreeing to her request for a “Cold War” Exemption. The Cold War Exemption, which is allowed in other communities, would give her a break on her assessment as she is a veteran. Supervisor Cammarata said if it is a veteran status it should be included in the exemption but the conversation was tabled until later in the meeting when the Assessor could be present.

BARBARA TALLET/JOHN LANCE: due to the NYS bridge reconstruction, the septic tank at their residence next to the bridge had to be replaced which was done by a private contractor for NYS. However the contractor did not replace the tank in the exact location from its removal as was agreed upon by Smithville’s Code Enforcement Officer and the EIC of the bridge project. The contractor moved the tank about 30’ further west along the creek and installed it within the aquifer and also close to their 10’ deep well. The well, which was not tested prior to construction, has dried up, is filled with mud and is contaminated. NYS is willing to drill a new well, but there are 2 other old septic in the proximity and getting a legal well in may be problematic. In the meantime, NYS will be providing a portable water tank for the home residents.

There is also the concern when the new septic is started up, it will release contamination to the aquifer and possibly contaminate other hamlet wells, which are also older, shallow wells, and/or the creek. NYS should take a water test every year for this property. Councilman Whitmore brought up the fact that septic systems in this hamlet are too close together to accommodate good water. The Town would do well to look at a public water system. This thought was echoed by other Board members as well. The Planning Board report concerning a previous testing of hamlet wells from 2000 was reviewed and Board members indicated the Planning Board may be given the job of starting a new investigation into a Public water system.

It was also questioned whether the DEC was aware of potential damage to the aquifer. Supervisor Cammarata said he would contact DEC Officer Brett Armstrong. Property owners Tallet/Lance have been in touch with Senator Fred Akshar’s office. Property owners, some Town and NYS officials met Friday 10.16.20 to discuss the situation.

NB5) moved to this time frame to accommodate Jim Stenkert and Melissa Cooper from the Greene EMS. They asked about EMS service in Smithville and if there was a contract with Oxford for EMS.

Supervisor Cammarata replied the portion of the Town of Smithville within the Oxford Fire District is now in a contract with Oxford for fire and EMS for 5 years at a 2% increase per year. He said he is also aware of the critical need for ambulance service in Chenango County at this time especially since AMR is no longer in Chenango County. It leaves an ambulance in Oneonta, Broome County and the Greene EMS. Oxford only handles a small % of the calls to Smithville.

Jim Stenkert replied the Greene EMS is covering 90 % of Chenango County and the need is there for them to put 2 crews together. A 3rd crew could be done but with difficulty. A “CON” Certificate of Need was mentioned.

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Supervisor Cammarata said he would speak to John Morrissey, NYS Dept. of Health Central Region.

CORRESPONDENCE

7:00PM

C1) The Port-a-john rental company has changed hands again to Norwich. They would like to know if there is any change in timing for placement of the Port-a-John? Board members said they would like to make sure the unit is picked up for the winter and put back in the spring. Last year the unit was mistakenly left all year.

NEW BUSINESS

7:05PM

NB1) Consider approval of new Genegantslet Fire Co. member Amy Miller as Treasurer. All background checks were passed.

RESOLUTION # 28 (2020): APPROVE AMY MILLER TO ROSTER OF GENEGANTSLET FIRE CO.

On a motion by Councilwoman Holcomb, 2ⁿ by Councilman Evans, the following Resolution was ADOPTED.

AYES: 5 Cammarata, Ludwig, Holcomb, Evans, Whitmore
NAYES: 0

RESOLVED to approve Amy Miller to the roster of the Genegantslet Fire Co., Inc, to the position of Treasurer.

NB2) Genegantslet Fire Company Budget: consider call for Public Hearing November 5th 6:30pm for both fire contracts. Each of the 2 contracts has asked for a 2% increase. The moneys requested were approved and checked by Chenango County

RESOLUTION # 29 (2020): CALL FOR PUBLIC HEARING ON GENEGANTSLET FIRE CO. 2021 BUDGET

On a motion by Councilman Ludwig, 2ⁿ by Councilman Whitmore, the following Resolution was ADOPTED.

AYES: 5 Cammarata, Ludwig, Holcomb, Evans, Whitmore
NAYES: 0

RESOLVED to call for a Public Hearing for November 5, 2021 @ 6:30 and 6:35pm on the budgets for both the Genegantslet Fire District and the Smithville Center Fire District provided by the Genegantslet Fire Co., Inc.

NB3) Consider approval of Tentative Budget as Preliminary Budget and call for Public Hearing November 5th

RESOLUTION # 30 (2020): APPROVE TENTATIVE BUDGET AS PRELIMINARY AND CALL FOR PUBLIC HEARING NOVEMBER 5, 2021 @ 6:40PM.

On a motion by Councilman Whitmore, 2ⁿ by Councilman Ludwig, the following Resolution was ADOPTED.

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AYES: 5 Cammarata, Ludwig, Holcomb, Evans, Whitmore
NAYES: 0

RESOLVED to approve the 2021 Tentative Budget as the Preliminary Budget and to call for a Public Hearing on November 5, 2021 @ 6:40pm.

NB4) discussion of and consideration of splitting the Town Clerk/Tax Collector elected position into 2 separate ones. Discussion was started on this topic but tabled until another time.

OLD BUSINESS (UPDATES IF ANY)

7:30PM

OB1) Pollard Rd. Service Request update (SR6). This complaint is still being handled by Chenango County.

OB2) 993 CO RD 3 discussion (SR3) update: It has been reported that the Miller family had a relative excavate the garage, dig hole and bury contents. It is anticipated work will begin on the barn next.

OB3) (SR5&8) Collyer Rd. additional complaints but no resolution. The property is under an Ag exemption and (farm) buildings do not need a building permit.

OB4) replacement of windows in Town Clerk, Assessor and Justice office: These were ordered and will be in after Thanksgiving.

SERVICE REQUESTS SINCE LAST MEETING

7:45PM

SR7) request for dust oil on Stone Quarry: no action taken on this request. FEMA has replaced the culvert on Stone Quarry and calcium will not be replaced at this time.

SR8A) see OB3

Other updates as needed:

REPORTS

7:50PM

R1.) Highway: report submitted

- Pollard Rd. replaced 2 culverts on a FEMA request per Vince and it was accepted. The project is now on Phase 2. If population is less than 3,000 then application can be made for 90/10 reimbursement. The Pollard Rd culverts have been repaired 57 times since 2007 at a cost of \$4-5K each time
- Currently working on Williams Rd. which is looking good.
- Still working on Tri-Cities invoices
- Trucks are serviced for winter, 2 volvos need some minor work
- Phone conferences with FEMA will be weekly now; will give estimated costs
- Normal repairs on trucks; the broken part has arrived for Gradall, will work on it as time allows
- Rest of sand has arrived @ \$2.00 p/p less than cost

R2) Assessor: report submitted: doing catch up work and apportionments

Cold War Exemption: This is a 16 year break when not offered as an additional veteran's exemption on the property. Everyone who served during the specific time frame is eligible to get the exemption. The Board would set an amount, but is generally limited and only available to those who served before 1975 or after

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1991, only on the Town tax portion. Supervisor Cammarata will speak to Joe Coe who is the County Veterans exemption rep. On the books for current veterans are 43 property owners who receive a veteran's exemption or 6.96x the tax rate.

It was decided to hold a Public Hearing on November 5th to get Public opinion.

RESOLUTION # 31 (2020): HOLD PUBLIC HEARING NOVEMBER 5, 2020 FOR COLD WAR EXEMPTION

On a motion by Councilman Evans, 2ⁿ by Councilwoman Holcomb, the following Resolution was ADOPTED.

AYES: 5 Cammarata, Ludwig, Holcomb, Evans, Whitmore
NAYES: 0

RESOLVED to hold a Public Hearing on November 5, 2021 @ 6:45pm for the purpose of hearing Public opinion on a proposed Cold War Exemption for veterans. **

R3.) Enforcement Officer: no report submitted. 1 building permit on Cincinnatus lake

R4.) Planning Board: no new minutes

R5.) DCO: no report submitted

R6.) Attorney: no report submitted

R7.) vacant

R8.) Custodian: no report submitted

R9.) Playground Committee: no report

R10) Town Clerk: report submitted:

- The lighted Christmas snowflakes were not purchased due to product cost or shipping rates rising, or not enough in stock. Supervisor Cammarata said he had spoken to NYSEG and found out that until the bridge project is completed, phone, cable and electric lines will not be changed over from the old poles to the new poles. Any further work on the decorations will have to wait until next year. Town Clerk Owens said she would focus on the flags for spring. She emphasized it would still be worth the effort to have a Community Group take over the decorations, garden beautification etc.
- A letter was written to Olive Marlin as requested. Since there were a few people who wanted to view the barn and house before the property changed hands, a request was made to Olive Marlin for that. The tour date will be Friday Oct. 23rd at 11:30am.

R11) vacant

R12) Supervisor's Report: submitted:

- Multiple phone calls to Spectrum and Frontier with little luck on getting phone lines to the Town Barn or replacement of mytel phone system at the Community Center
- Meeting with NYS concerning Tallet and Lance. The issue of a hamlet water supply was discussed. It was advised by some Town Board members that a public water supply should be investigated. Twenty years have passed since it was done initially. It was mentioned to have the Planning Board look into a public water supply

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- There may be carry-over of funds in the Budget that should be used in December. The Town will need to need to file the tax cap for 2021. The Budget looks in good shape for the end of the year, it's next year where the problems start.
- Use Bottle Fund for replacing the timbers on the flower beds. It was suggested to have Mindy estimate cost of replacing the timbers and material list. Board members suggested a local sawmill
- A motion to accept the Supervisor's report was made by Councilman Ludwig, 2nd by Councilman Whitmore all 5 Board members: Ludwig Holcomb, Evans, Whitmore and Cammarata were in favor, motion carried.

MINUTES APPROVAL for September 21st

8:15PM

The minutes of the September 21st meeting were reviewed. A motion was made by Councilman Whitmore 2nd by Councilman Ludwig to approve those minutes All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

WARRANTS

8:20PM

General Warrant # 10, Vouchers # 132-143, in the amount of \$1734.05 were reviewed for payment. A motion was made by Councilman Ludwig, 2nd by Councilman Whitmore to approve payment of these claims. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

Voucher #144 for \$1235. To Hancock-Estabrook to be paid this month on next month's warrant was approved in a motion by Councilman Ludwig, 2nd by Councilman Whitmore. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried. This claim is for the Attorney representation of the Town vs. Teamster's Union.

Highway Warrant # 10, Vouchers # 106-122, in the amount of \$ 100,278.13 were reviewed for payment. A motion was made by Councilman Whitmore, 2nd by Councilman Evans to approve payment for these claims. All 5 Board members: Ludwig, Holcomb, Evans, Whitmore and Cammarata in favor, motion carried.

Next Board meeting is for the Public Hearings for Genegantslet Fire Company and the Preliminary Budget on Nov. 5th @ 6:30pm.

EXECUTIVE SESSION to discuss public safety

8:35PM

Into Executive Session in a motion by Councilwoman Holcomb, 2nd by Councilman Ludwig. Into Executive session at 8:55pm.

Out of Executive Session in a motion by Councilman Whitmore, 2nd by Councilwoman Holcomb. Our of Executive Session at 9:25pm. No action was taken other than to refer Supervisor Cammarata to the Association of Towns.

The next meeting will be the Public Hearings for the Budget and the 2 Fire District budgets.

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CLOSE by Supervisor Cammarata

9:25PM

Alison B. Owens

Smithville Town Clerk

** This Resolution was not carried out as the procedure for a new Local Law would be to go through the Town Att'y first. The proposed Local Law will be discussed at the November 16th Town Board meeting.